

Taylor (MS)      Turner (TX)      Weller  
Terry      Udall (NM)      Whitfield  
Thomas      Upton      Wicker  
Thompson (CA)      Visclosky      Wilson (NM)  
Thompson (MS)      Vitter      Wilson (SC)  
Thornberry      Walden (OR)      Wolf  
Tiahrt      Wamp      Woolsey  
Tiberi      Waters      Wu  
Toomey      Weldon (FL)      Wynn  
Turner (OH)      Weldon (PA)      Young (FL)

## NOT VOTING—25

Barton (TX)      Ferguson      Paul  
Berkley      Gallegly      Quinn  
Berman      Gephardt      Reynolds  
Bonilla      Granger      Ros-Lehtinen  
Burgess      Janklow      Taylor (NC)  
Carter      Jefferson      Walsh  
Davis (TN)      Johnson, Sam      Waxman  
DeLay      Millender-      Young (AK)  
Dreier      McDonald

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). There are 2 minutes remaining in this vote.

## □ 1248

Ms. ROYBAL-ALLARD, Messrs. BELL, HINCHEY, GREEN of Texas, REYES, ORTIZ, Ms. JACKSON-LEE of Texas and Mr. HONDA changed their vote from “aye” to “no.”

Mr. DEUTSCH and Mr. ABERCROMBIE changed their vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

This vote may be followed by a 5-minute vote on the motion to instruct on H.R. 1308.

The vote was taken by electronic device, and there were—yeas 377, nays 26, not voting 32, as follows:

[Roll No. 395]

## YEAS—377

Abercrombie      Brady (PA)      Crenshaw  
Ackerman      Brady (TX)      Crowley  
Aderholt      Brown (OH)      Cubin  
Alexander      Brown (SC)      Culberson  
Allen      Brown, Corrine      Cummings  
Baca      Brown-Waite,      Cunningham  
Bachus      Ginny      Davis (AL)  
Baird      Burns      Davis (CA)  
Baker      Burr      Davis (FL)  
Baldwin      Burton (IN)      Davis (IL)  
Ballance      Buyer      Davis, Jo Ann  
Ballenger      Calvert      Davis, Tom  
Barrett (SC)      Camp      DeFazio  
Bartlett (MD)      Cannon      DeGette  
Bass      Cantor      Delahunt  
Beauprez      Capito      DeLauro  
Becerra      Capps      DeMint  
Bell      Cardin      Deutsch  
Bereuter      Cardoza      Diaz-Balart, L.  
Berry      Carson (IN)      Diaz-Balart, M.  
Biggett      Carson (OK)      Dicks  
Billakis      Case      Dingell  
Bishop (GA)      Castle      Dooley (CA)  
Bishop (NY)      Chabot      Doolittle  
Bishop (UT)      Chocola      Doyle  
Blackburn      Clay      Duncan  
Blumenauer      Clyburn      Dunn  
Blunt      Coble      Edwards  
Boehlert      Cole      Ehlers  
Bonner      Collins      Emanuel  
Bono      Conyers      Emerson  
Boozman      Cooper      Engel  
Boswell      Costello      English  
Boucher      Cox      Eshoo  
Boyd      Cramer      Etheridge  
Bradley (NH)      Crane      Evans

Farr      Lewis (CA)  
Fattah      Lewis (GA)  
Filner      Lewis (KY)  
Foley      Linder  
Forbes      Lipinski  
Ford      LoBiondo  
Frost      Lofgren  
Garrett (NJ)      Lowey  
Gerlach      Lucas (KY)  
Gilchrest      Lucas (OK)  
Gillmor      Lynch  
Gingrey      Majette  
Gonzalez      Maloney  
Goode      Manzullo  
Goodlatte      Markey  
Gordon      Marshall  
Goss      Matsui  
Graves      McCarthy (MO)  
Green (TX)      McCarthy (NY)  
Green (WI)      McColm  
Greenwood      McCotter  
Grijalva      McCrery  
Gutierrez      McDermott  
Gutknecht      McGovern  
Hall      McHugh  
Harman      McNinis  
Harris      McIntyre  
Hart      McKeon  
Hastert      McNulty  
Hastings (FL)      Meek (FL)  
Hastings (WA)      Meeks (NY)  
Hayes      Menendez  
Hayworth      Mica  
Herger      Michaud  
Hill      Miller (MI)  
Hinchey      Miller (NC)  
Hinojosa      Miller, Gary  
Hobson      Miller, George  
Hoeffel      Mollohan  
Hoekstra      Moore  
Holden      Moran (KS)  
Holt      Moran (VA)  
Honda      Murphy  
Hoolley (OR)      Murtha  
Houghton      Musgrave  
Hoyer      Myrick  
Hulshof      Nadler  
Hunter      Napolitano  
Hyde      Neal (MA)  
Inslee      Nethercutt  
Isakson      Neugebauer  
Israel      Ney  
Issa      Norwood  
Istook      Nunes  
Jackson (IL)      Nussle  
Jenkins      Oberstar  
John      Obey  
Johnson (CT)      Olver  
Johnson (IL)      Ortiz  
Johnson, E. B.      Osborne  
Jones (NC)      Ose  
Jones (OH)      Otter  
Kanjorski      Owens  
Kaptur      Oxley  
Keller      Pallone  
Kelly      Pascrell  
Kennedy (MN)      Pastor  
Kennedy (RI)      Payne  
Kildee      Pearce  
Kilpatrick      Pelosi  
King (IA)      Pence  
King (NY)      Peterson (MN)  
Kingston      Peterson (PA)  
Kirk      Pickering  
Kleczka      Pitts  
Kline      Platts  
Knollenberg      Pombo  
Kolbe      Pomeroy  
LaHood      Portman  
Lampson      Price (NC)  
Langevin      Pryce (OH)  
Lantos      Putnam  
Larsen (WA)      Radanovich  
Larsen (CT)      Rahall  
Latham      Rangel  
LaTourette      Regula  
Leach      Rehberg  
Lee      Renzi  
Rodriguez      Reyes  
Franks (AZ)      Kucinich  
Gibbons      Matheson  
Hefley      Meehan  
Hensarling      Miller (FL)  
Hostettler      Petri  
Kind      Porter

## NAYS—26

Akin  
Andrews  
Capuano  
Doggett  
Feeney  
Flake

Rogers (AL)      Ramstad  
Rogers (KY)      Royce  
Rogers (MI)      Sensenbrenner  
Rohrabacher  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Ryun (KS)  
Sabo  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Sandlin  
Saxton  
Schakowsky  
Schiff  
Schrock  
Scott (GA)  
Scott (VA)  
Serrano  
Sessions  
Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Shuster  
Simmons  
Mica  
Simpson  
Skelton  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Souder  
Spratt  
Stark  
Stenholm  
Nadler  
Stupak  
Sullivan  
Sweeney  
Tanner  
Tauscher  
Tauzin  
Taylor (MS)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Towns  
Turner (OH)  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Visclosky  
Vitter  
Walden (OR)  
Wamp  
Waters  
Watson  
Watt  
Weiner  
Weldon (FL)  
Weldon (PA)  
Wexler  
Whitfield  
Wick  
Wilson (NM)  
Wilson (SC)  
Wolf  
Woolsey  
Wu  
Wynn  
Young (FL)

Shadegg  
Stearns  
Strickland  
Barton (TX)  
Berkley  
Berman  
Boehner  
Bonilla  
Burgess  
Carter  
Davis (TN)  
Deal (GA)  
DeLay  
Dreier  
Everett

## NOT VOTING—32

Ferguson  
Fletcher  
Gallegly  
Gephardt  
Granger  
Jackson-Lee  
(TX)  
Janklow  
Jefferson  
Johnson, Sam  
Millender-  
McDonald  
Northup  
Paul  
Quinn  
Reynolds  
Ros-Lehtinen  
Taylor (NC)  
Velazquez  
Walsh  
Waxman  
Young (AK)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

## □ 1258

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on the bill, H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. BELL) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 188, nays 201, not voting 46, as follows:

[Roll No. 396]

## YEAS—188

Abercrombie      Davis (IL)      Israel  
Ackerman      DeFazio      Jackson (IL)  
Alexander      Delahunt      Jackson-Lee  
Allen      DeLauro      (TX)  
Andrews      Deutsch      John  
Baca      Dicks      Johnson, E. B.  
Baldwin      Dingell      Jones (OH)  
Ballance      Doggett      Kanjorski  
Becerra      Doyle      Kaptur  
Bell      Edwards      Kennedy (RI)  
Berry      Emanuel      Kildee  
Bishop (GA)      Engel      Kilpatrick  
Bishop (NY)      Eshoo      Kind  
Blumenauer      Etheridge      Kleczka  
Boswell      Evans      Kucinich  
Boyd      Farr      Lampson  
Brady (PA)      Fattah      Langevin  
Brown (OH)      Filner      Lantos  
Brown, Corrine      Ford      Larsen (WA)  
Capps      Frank (MA)      Larson (CT)  
Cardin      Frost      Leach  
Cardoza      Gonzalez      Lee  
Carson (IN)      Gordon      Levin  
Carson (OK)      Green (TX)      Lewis (GA)  
Case      Grijalva      Lofgren  
Castle      Hall      Lowey  
Clay      Hastings (FL)      Lucas (KY)  
Clyburn      Hill      Lynch  
Conyers      Hinchey      Majette  
Cooper      Hinojosa      Maloney  
Costello      Hoeffel      Markey  
Cramer      Holden      Marshall  
Crowley      Holt      Matheson  
Cummings      Honda      Matsui  
Davis (AL)      Hooley (OR)      McCarthy (MO)  
Davis (CA)      Hoyer      McCarthy (NY)  
Davis (FL)      Inslee      McColm

McDermott	Rahall	Stark
McGovern	Rangel	Stenholm
McIntyre	Reyes	Strickland
Meek (FL)	Rodriguez	Stupak
Meeks (NY)	Ross	Tanner
Menendez	Rothman	Tauscher
Michaud	Roybal-Allard	Taylor (MS)
Miller (NC)	Ruppersberger	Thompson (CA)
Miller, George	Rush	Thompson (MS)
Mollohan	Ryan (OH)	Tierney
Moore	Sabo	Towns
Moran (VA)	Sanchez, Linda	Turner (TX)
Murtha	T.	Udall (CO)
Nadler	Sanchez, Loretta	Udall (NM)
Napolitano	Sanders	Upton
Neal (MA)	Sandlin	Van Hollen
Oberstar	Schakowsky	Visclosky
Obey	Schiff	Waters
Olver	Scott (GA)	Watson
Owens	Scott (VA)	Watt
Pallone	Serrano	Weiner
Pastor	Sherman	Wexler
Payne	Skelton	Woolsey
Pelosi	Slaughter	Wu
Peterson (MN)	Snyder	Wynn
Pomeroy	Solis	
Price (NC)	Spratt	

## NAYS—201

Aderholt	Goss	Ose
Akin	Graves	Otter
Bachus	Green (WI)	Oxley
Baker	Greenwood	Pearce
Ballenger	Gutknecht	Pence
Barrett (SC)	Harris	Peterson (PA)
Bartlett (MD)	Hart	Petri
Bass	Hastert	Pickering
Beauprez	Hastings (WA)	Pitts
Bereuter	Hayes	Platts
Biggart	Hayworth	Pombo
Bilirakis	Hefley	Porter
Bishop (UT)	Hensarling	Portman
Blackburn	Herger	Pryce (OH)
Blunt	Hobson	Putnam
Boehrlert	Hoekstra	Radanovich
Bonner	Hostettler	Ramstad
Boozman	Houghton	Regula
Bradley (NH)	Hulshof	Rehberg
Brady (TX)	Hunter	Renzi
Brown (SC)	Hyde	Rogers (AL)
Brown-Waite,	Isakson	Rogers (KY)
Ginny	Issa	Rogers (MI)
Burns	Istook	Rohrabacher
Burr	Jenkins	Royce
Burton (IN)	Johnson (CT)	Ryan (WI)
Buyer	Johnson (IL)	Ryun (KS)
Calvert	Jones (NC)	Saxton
Camp	Keller	Schrock
Cannon	Kelly	Sensenbrenner
Cantor	Kennedy (MN)	Sessions
Capito	King (IA)	Shadegg
Chabot	King (NY)	Shaw
Chocola	Kingston	Sherwood
Coble	Kirk	Shimkus
Cole	Kline	Shuster
Collins	Knollenberg	Simmons
Crane	Kolbe	Simpson
Crenshaw	LaHood	Smith (MI)
Cubin	Latham	Smith (NJ)
Culberson	LaTourette	Smith (TX)
Cunningham	Lewis (CA)	Souder
Davis, Jo Ann	Lewis (KY)	Stearns
Davis, Tom	Lipinski	Sullivan
DeMint	LoBiondo	Sweeney
Diaz-Balart, L.	Lucas (OK)	Tancredo
Diaz-Balart, M.	Manzullo	Tauzin
Doolittle	McCotter	Terry
Duncan	McCrery	Thomas
Dunn	McHugh	Thornberry
Ehlers	McInnis	Tiahrt
Emerson	McKeon	Tiberi
English	Mica	Toomey
Feeney	Miller (FL)	Turner (OH)
Flake	Miller (MI)	Vitter
Foley	Miller, Gary	Walden (OR)
Forbes	Moran (KS)	Wamp
Fossella	Murphy	Weldon (FL)
Franks (AZ)	Musgrave	Weldon (PA)
Frelinghuysen	Myrick	Weller
Garrett (NJ)	Nethercutt	Whitfield
Gerlach	Neugebauer	Wicker
Gibbons	Ney	Wilson (NM)
Gilchrest	Northup	Wilson (SC)
Gillmor	Norwood	Wolf
Gingrey	Nunes	Nussle
Goode	Nussle	Young (FL)
Goodlatte	Osborne	

## NOT VOTING—46

Baird	Dooley (CA)	Millender-
Barton (TX)	Dreier	McDonald
Berkley	Everett	Ortiz
Berman	Ferguson	Pascrell
Boehner	Fletcher	Paul
Bonilla	Gallagher	Quinn
Bono	Gephardt	Reynolds
Boucher	Granger	Ros-Lehtinen
Burgess	Gutierrez	Shays
Capuano	Harman	Smith (WA)
Carter	Janklow	Taylor (NC)
Cox	Jefferson	Velazquez
Davis (TN)	Johnson, Sam	Walsh
Deal (GA)	Linder	Waxman
DeGette	McNulty	Young (AK)
DeLay	Meehan	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). The Chair reminds Members there are 2 minutes remaining in this vote.

□ 1322

Ms. HARRIS changed her vote from "yea" to "nay."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PRIVILEGES OF THE HOUSE—MAN- NER OF CONDUCTING MARKUP OF LEGISLATION IN COMMITTEE ON WAYS AND MEANS

Ms. PELOSI. Mr. Speaker, under rule IX, I rise to a question of the privileges of the House, and I offer a resolution (H. Res. 324) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 324

Whereas during a meeting of the Committee on Ways and Means on July 18, 2003, for the consideration of the bill H.R. 1776, the chairman of the Committee on Ways and Means offered an amendment in the nature of a substitute;

Whereas during the reading of that amendment the chairman of the Ways and Means Committee directed majority staff of the committee to ask the United States Capitol Police to remove minority-party members of the committee from a room of the committee during the meeting, causing the United States Capitol Police thereupon to confront the minority-party members of the committee;

Whereas pending a unanimous-consent request to dispense with the reading of that amendment the chairman deliberately and improperly refused to recognize a legitimate and timely objection by a member of the committee: Now, therefore, be it

*Resolved*, That the House of Representatives disapproves of the manner in which Representative Thomas conducted the markup of legislation in the Committee on Ways and Means on July 18, 2003, and finds that the bill considered at that markup was not validly ordered reported to the House.

The SPEAKER pro tempore. In the opinion of the Chair, the resolution constitutes a question of the privileges of the House.

The minority leader, the gentleman from California (Ms. PELOSI), will be recognized for 30 minutes; and

the gentleman from Louisiana (Mr. MCCRERY) will be recognized for 30 minutes as the designee of the Speaker.

The Chair recognizes the gentleman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my duty as the House Democratic leader to offer this resolution. Earlier today the Committee on Ways and Means Democrats were subjected to an indignity, an indignity that no Member should have to endure.

Mr. MCCRERY. Mr. Speaker, parliamentary inquiry.

Ms. PELOSI. I do not yield, Mr. Speaker. I do not yield, Mr. Speaker.

The SPEAKER pro tempore. The House will be in order.

Mr. HOYER. The minority leader is speaking, Mr. Speaker.

## POINT OF ORDER

Mr. MCCRERY. Point of order, Mr. Speaker.

The SPEAKER pro tempore. Does the gentlewoman yield for the parliamentary inquiry?

Ms. PELOSI. I do not yield, Mr. Speaker.

The SPEAKER pro tempore. For the parliamentary inquiry?

Ms. PELOSI. I do not yield. There is half an hour on the other side. They have plenty of time to make their point.

The SPEAKER pro tempore. The gentlewoman will suspend.

The gentleman will state his point of order.

Mr. MCCRERY. The majority has not been supplied with a copy of the resolution, Mr. Speaker; and it is hard for us to proceed without a copy of the resolution.

The SPEAKER pro tempore. The Clerk will supply copies, but the gentleman has not stated a point of order. The resolution has been read.

Mr. MCCRERY. I thank the Speaker.

The SPEAKER pro tempore. The gentlewoman from California (Ms. PELOSI), the minority leader, will proceed.

Ms. PELOSI. I will proceed, Mr. Speaker, but not before saying that I do not appreciate the gentleman trivializing a rare occasion of this House when a leader of a party stands up for a point of privilege on the House floor. If the gentleman wanted a copy of the resolution, he knew he could go right to the well and get it at the desk.

Now I would like to proceed. Earlier today, the Committee on Ways and Means Democrats were subjected to an indignity, an indignity that no Member should have to endure; but it appears that indignity is the order of the day on the majority side.

As the Democratic Members of the Ways and Means Committee were caucusing in a committee room while a bill was being read for amendment, the chairman of the Committee on Ways and Means summoned the Capitol Police to remove them from that room. Make no mistake about this: the police were summoned to remove these Democratic Members because the chairman